

CITY COUNCIL

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September 22, 2010

San Joaquin County Grand Jury
c/o Superior Court of California
222 East Weber Avenue, Room 303
Stockton, California 95202

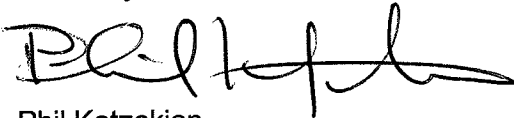
SUBJECT: RESPONSE TO 2009/2010 GRAND JURY REPORT RELEASED
 ON JUNE 28, 2010

To Whom It May Concern:

Enclosed please find the City of Lodi's response to the 2009/2010 Grand Jury Report released to the public on June 28, 2010. Pursuant to Penal Code Section 933 *et seq.*, the City's response to the report is being provided to the Grand Jury within the required ninety (90) day period.

Please feel free to contact the City Clerk and/or City Attorney should you have any questions regarding the same.

Sincerely,



Phil Katzakian
Mayor

Enc.

C: City Council
 Konradt Bartlam, City Manager
 Stephen Schwabauer, City Attorney
 Randi Johl, City Clerk
 File

RESPONSE TO GRAND JURY

Public Appointment Process 2009/2010 Grand Jury Case No. 1009

Findings

F1. Some legislative bodies do not follow policies and procedures for BCC appointments.

Response – The City of Lodi routinely follows its policies and procedures for BCC appointments from recruitment through the final appointment.

F2. Brown Act and fiduciary responsibility training is not routinely offered for BCC.

Response – The City of Lodi routinely provides Brown Act and fiduciary responsibility training for BCC as is required by AB 1234.

F3. Recruitment for vacant BCC appointments lacks initiative.

Response – The City of Lodi shows initiative in filling BCC vacancies by immediately seeking legislative body authorization to post, publish and fill vacancies pursuant to law.

F4. BCC appointee performance is rarely reviewed.

Response – The City of Lodi reviews BCC appointee performance at the BCC level and forwards matters to the legislative body for further action when necessary.

F5. Policy for BCC appointee removal is not always defined.

Response – The City of Lodi sets forth the BCC appointee removal process in certain BCC bylaws and/or other BCC incorporating documents. In addition, the City of Lodi has a default removal process through the legislative body. As a matter of law, the City Council has the authority to remove any appointee. A policy is not needed to reiterate that authority.

F6. Criminal and credit background investigations are not performed on appointees.

Response – The City of Lodi does not currently perform criminal and/or credit background investigations on BCC appointees.

Recommendations

R1. Develop or update policies and procedures for appointment of BCC members.

Response – The City of Lodi will review its existing policies and procedures and update as necessary.

R2. Provide and document Brown Act and fiduciary responsibility to all appointees.

Response – The City of Lodi routinely offers Brown Act and fiduciary responsibility training to BCC appointees as is required by AB 1234. In addition, the City of Lodi documents such training and notifies BCC appointees and their respective staff liaisons when said training is due to expire, when it will be offered again through the City, and online options to acquire said training.

R3. Utilize alternative sources to advertise vacant positions.

Response – The City of Lodi currently uses physical posting boards at City Hall, the City's website and the local newspaper to advertise for vacant BCC positions. The City of Lodi will also begin to use Facebook and Twitter as an alternative source to advertise for said vacancies.

R4. Annually review appointee performance and take appropriate action.

Response – The City of Lodi currently reviews BCC performance at the BCC level, including attendance and other matters of concern. When necessary if such matters are not resolved at the BCC level, the matters are brought to the legislative body for review and appropriate action.

R5. Develop policy and procedures defining the process for appointee removal.

Response – The City of Lodi currently sets forth the appointee removal process in certain BCC bylaws and/or other incorporating documents. In addition, there is a default removal process upon authorization of the legislative body. The City of Lodi will incorporate into writing in the City Council Protocol Manual the default removal process.

R6A. Develop criminal and credit check standards for appointees.

Response – The development and implementation of criminal and credit background check standards is cost prohibitive and non-essential to the ability of BCC appointees to serve as volunteers for the City of Lodi and may limit participation.

R6B. Perform criminal and credit background checks on all appointees prior to appointment.

Response – The development, implementation and performance of criminal and credit background check standards is cost prohibitive and non-essential to the ability of BCC appointees to serve as volunteers for the City of Lodi and may limit participation.

Information and Technology Security
2009/2010 Grand Jury Case No. 0909A

Findings

F4. Lodi: Applied for American Recovery and Reinvestment Act funds to relocate the data center and back-up generator to a more secure location. The funding was denied.

Response – The City of Lodi agrees with this finding.

F11. Lodi: IT implemented a policy which restricts web access to business related purposes. All employees are aware of this policy. The City has web filtering software that significantly minimizes risk.

Response – The City of Lodi agrees with this finding.

F12. Lodi: IT personnel in the Internal Services Department answer to the Deputy City Manager.

Response – The City of Lodi agrees with this finding.

Recommendations

R4. Lodi continue to explore funding options to relocate the data center and back-up generator to a more secure location.

Response - The City of Lodi agreed with the prior year finding (F6) that the data center and backup generator were below ground level. The corresponding recommendation (R6) was that the City develop plans and preparations for the relocation of the data center to a more secure location. The City has identified funding to move the data center from its below grade location and is scoping a project to accomplish the work.

Information Services
2009/2010 Grand Jury Case No. 0609

Findings

F1. Not all cities in our County are not utilizing analytical software.

Response - The City of Lodi uses analytical software.

F2. Website content and external link policy were not present in all cities.

Response - The City of Lodi has a website content and external link policy.

F3. Not all cities maintain a budget line item for their city website.

Response - The City of Lodi does not maintain a budget line item for the City website. The website is managed by City staff. Other than soft costs associated with staff time, the only hard costs are annual domain renewal of \$250 and a citizen complaint module that costs \$1,000 annually.

F4. A cohesive process to review the website content pertaining to individual departments was not present in all cities.

Response – The City of Lodi does not have such a process.

Recommendations

R1. Cities implement analytical software for their websites and monitor the reports generated.

Response - The City of Lodi currently uses the free Google Analytics software for site reports.

R2. Cities draft and institute a policy to govern the city website's external content. This policy must be revisited annually to make changes due to market conditions.

Response - The City of Lodi currently has an external links policy that is reviewed frequently for relevance in a changing world.

R3. Cities implement a specific line item in the annual budget proposal that addresses maintenance, upkeep and future upgrades of city website.

Response - The City of Lodi has nominal website-related costs and adding a discrete budget line would not add value to the budget document.

R4. Cities implement an annual review of each department represented on the city website that includes a departmental evaluation of their documents and the relevance to the users of the city government website.

Response - The City of Lodi will consider the most cost and time-effective way to accomplish recommended review and implement the same.